

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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M & R CAPITAL MANAGEMENT, INC.,

Plaintiff,

19 Civ. 4821(LAP)

v.

THE CURCHIN GROUP, LLC,
ROBERT C. FOURATT, CPA
and RICHARD T. DIVER,

Defendants.

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PROPOSED SUPPLEMENTAL STIPULATION AND PROTECTIVE ORDER

WHEREAS, the Parties agreed to a Stipulation and Proposed Protective Order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure (ECF # 45), which was So Ordered by the Court on December 3, 2019 (the "Protective Order") (ECF # 46);

WHEREAS, in March 2020, the Parties corresponded with the Court concerning a discovery dispute (ECF # 62-64);

WHEREAS, on April 10, 2020, the Court issued an Order (ECF # 67) in connection with the parties' discovery dispute;

WHEREAS, the Parties are agreeing to enter into this Proposed Supplemental Stipulation and Protective Order (the "Supplemental Protective Order") to supplement the initial Protective Order to reflect the Court's April 10, 2020 Decision and Order;

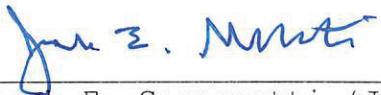
ORDERED that, with regard to the information and

documents exchanged by the parties in connection with the pre-trial phase of this action:

1. Plaintiff M&R Capital Management, Inc. ("M&R") shall be permitted to and shall disclose to Defendants The Curchin Group, LLC and Robert C. Fouratt, CPA (the "Curchin Defendants") all documents concerning the identity and financial information of its clients who were defrauded by the actions of defendant Richard T. Diver in 2017 and 2018 (the "Client Information"), including, but not limited to, the Citrin Report (defined below);
2. Subject to the Parties previous agreement via e-mail exchange dated December 5, 2019 concerning the Kovel privilege, M&R shall produce to Defendants without any redactions the Citrin Cooperman & Company LLP ("Citrin") forensic report (the "Citrin Report"), including all Client Information contained therein;
3. Plaintiff may produce such Client Information, including that contained in the Citrin Report as "CONFIDENTIAL" as set forth in the Protective Order;
4. Curchin Defendants (a) shall not disclose the Client Information except as set forth in the Protective Order, and (b) shall not contact any clients identified by the Client Information, without further order of the court or agreement between the parties;
5. The parties reserve their respective rights to request further relief from the Court concerning the discovery of Client Information; and
6. To the extent the terms of this Order conflict with the terms of the Protective Order, the terms of

this Order shall apply.

SO STIPULATED AND AGREED.



Joseph E. Gasperetti (JG-2120)
Attorney for the Plaintiff

/s/ Marc B. Schlesinger

John H. Eickemeyer
Marc B. Schlesinger
Attorney for the defendants
The Curchin Group, LLC and
Robert C. Fouratt, CPA

SO ORDERED:

Loretta A. Preska
United States District Judge

New York, New York

Dated: April 17, 2020